

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID DARNELL NELSON, JR.,

Plaintiff,

v.

STATE OF WISCONSIN,

Defendant.

ORDER

Case No. 16-cv-506-jdp

DAVID DARNELL NELSON, JR.,

Plaintiff,

v.

STATE OF WISCONSIN,

Defendant.

ORDER

Case No. 16-cv-554-jdp

Plaintiff David Darnell Nelson, Jr. has submitted a certified inmate trust fund account statement for the six month period preceding the complaint in support of the pending motion to proceed without prepayment of the filing fee in the above cases. Accordingly, the court must determine whether plaintiff qualifies for indigent status and, if so, calculate an initial partial payment of the \$350.00 filing fee for each of these cases.

Even when an inmate litigant qualifies for indigent status, the litigant must pay a portion of the fee returned by the formula set forth in 28 U.S.C. § 1915(b)(1). Using information for the relevant time period from plaintiff's trust fund account statement, I calculate plaintiff's initial partial filing fee to be \$2.55 for each case. For these cases to proceed, plaintiff must submit this amount on or before September 2, 2016.

If plaintiff does not have enough money to make the initial partial payment from plaintiff's regular account, plaintiff should arrange with prison authorities to pay the remainder from plaintiff's release account.

ORDER

IT IS ORDERED that,

1. Plaintiff David Darnell Nelson, Jr. is assessed \$2.55 as an initial partial payment of the \$350.00 fee for filing these cases. Plaintiff is to submit a check or money order made payable to the clerk of court in the amount of \$2.55 for each case or advise the court in writing why plaintiff is not able to submit the assessed amounts on or before September 2, 2016.

2. If, by September 2, 2016, plaintiff fails to make the initial partial payments or show cause for failure to do so, plaintiff will be held to have withdrawn these actions voluntarily and the cases will be closed without prejudice to plaintiff filing these cases at a later date.

3. No further action will be taken in these cases until the clerk's office receives plaintiff's initial partial filing fees as directed above and the court has screened the complaint as required by the Prisoner Litigation Reform Act, 28 U.S.C. § 1915A. Once the screening process is complete, a separate order will issue.

Entered this 11th day of August, 2016.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge